

STATE ADMINISTRATION, PUBLIC RETIREMENT SYSTEMS, AND VETERANS' AFFAIRS
INTERIM COMMITTEE

MINUTES

June 14, 1999

Federal Building
Helena, MT

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Exhibits and tapes are on file in the offices of the Legislative Services Division.

COMMITTEE MEMBERS PRESENT

Sen. Sue Bartlett
Sen. E. K. "Pete" Ekegren
Sen. Don Hargrove
Rep. Matt Brainard
Rep. Edith Clark
Rep. Tom Dell
Rep. Carol Williams

COMMITTEE MEMBERS EXCUSED

Sen. Glenn Roush

STAFF PRESENT

Sheri Heffelfinger, Research Analyst
John MacMaster, Staff Attorney

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VISITORS

Visitors' list, Attachment #1

COMMITTEE ACTIONS

The Committee took the following actions:

- < without objection, agreed that, when conducting the SJR 9 study, staff should consider the contracting issues raised in a letter (see Exhibit # 7) from an engineering company;
- < voted that SAIC should continue to perform the duties and responsibilities that used to be statutorily assigned to the Committee on Public Employee Retirement Systems (CPERS) under section 5-21-105, MCA;
- < voted to refer all issues, including rule review, concerning the State Fund, to the Business, Labor, and Agriculture committee;
- < voted to adopt the interim meeting schedule proposed by Ms. Sheri Heffelfinger, research analyst, Legislative Services Division (see Exhibit # 9);
- < elected Representative Matt Brainard as chairman; and
- < elected Senator Sue Bartlett as vice-chairwoman.

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CALL TO ORDER

The meeting was called to order by Sen. Sue Bartlett, acting chairwoman, at 4:15 p.m. Roll call was noted, Attachment #2. After introductions by committee members and staff, without objection, the agenda was changed so that the election of officers would be the last order of business.

OVERVIEW OF COMMITTEE DUTIES

Ms. Sheri Heffelfinger, Legislative Services Division, clarified for committee members that the committee's official name is the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee (SAIC). Ms. Heffelfinger then presented an overview of SAIC's interim duties and responsibilities. (Exhibit #1).

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DISCUSSION OF COMMITTEE DUTIES

During the overview, Mr. Kelly Jenkins, General Council, Public Employees' Retirement Board, handed out various materials to committee members, including a PERS member handbook, the PER Board's FY 1998 Annual Report, a list of SAIC resources (Exhibit #2), a copy of Art. VIII, Sections 13 and 15 of the Montana Constitution (Exhibit #3), an extract of a report detailing the investment performance of the PERS in FY 1998 (Exhibit #4), a copy of the PER Board newsletter *Directions*, Spring 1999 issue (Exhibit #5), a time line of implementation for 1999 legislation enacting retirement laws (Exhibit #6), and a brief outline of the Board's work plan for implementation of HB 79 enacting a new Defined Contribution retirement plan within PERS (Exhibit #7).

Mr. Jenkins said that with regard to the HB 79 implementation, it was his hope that he and the Board would have complete information to SAIC members to answer any questions before they became questions. He stated he hoped that HB 79 would not, therefore, need to take significant agenda time at SAIC meetings.

Ms. Heffelfinger continued the overview of SAIC duties. She stated that Mr. Dave Bohyer would be the lead research staff for the SJR 9 study on state contracting laws

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and practices. She explained that Mr. Bohyer had met with Department of Administration staff who had a list of issues and concerns to bring to the SAIC as part of that study.

During discussion of the SJR 9 contracting study, Senator Bartlett handed out a letter from Drake Engineering Incorporated (DEI) (Exhibit #8). Senator Bartlett explained that DEI was unable to submit a proposal to bid on state engineering project because of the way the RFP was structured. Senator Bartlett asked if SAIC members would object to directing staff to consider these issues in the SJR 9 study.

Senator Hargrove asked about the HB 515 study and whether that study would involve these types of issues. Ms. Heffelfinger explained that the HB 515 study assigned to the Business, Labor, and Agriculture (BLA) would examine the economic effects on private business of the government not contracting out certain services and whether those services should in fact be privatized or contracted out. Ms. Heffelfinger stated that the SAIC could refer the contracting issue raised in the DEI letter to the BLA if it wanted to do that and that BLA would likely be looking at small businesses and local contracting practices whereas the SAIC study under SJR 9 was a state-level review.

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Senator Bartlett stated that she would like to have Mr. Dave Bohyer, the legislative research analyst doing the SJR study, consider the contracting issue raised by DEI's letter. She asked if any SAIC committee members would object. There were no objections. Ms. Heffelfinger stated she would coordinate with Mr. Bohyer during the development of a proposed SAIC study plan and incorporate the contracting issues raised in context of the DEI letter.

OVERVIEW OF RULE REVIEW DUTIES

Mr. John MacMaster, Legislative Staff Attorney, Legislative Services Division, explained administrative rule review procedures and referred to the information provided with the overview paper (Exhibit #1). Mr. MacMaster noted that SAIC would need to decide how a rule review issue would be able to be placed on an SAIC meeting agenda. Mr. MacMaster explained that, in the past, under the Administrative Code Committee, most issues were resolved at the staff level, but that if staff thought an issue of importance needed to be brought to the ACC, he would raise that issue with the chairman, who would then decide whether the meeting should be placed on the calendar. He explained, however, that there were a number of ways to handle the issue and it would be up to SAIC about what procedure to follow.

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Ms. Heffelfinger stated that the SAIC could determine how it wanted to handle rule review issues at this meeting, or, SAIC could get further information about the rule review process at the next meeting and decide on a process in conjunction with adopting a study plan.

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DISCUSSION OF CPERS' FORMER DUTIES

Ms. Heffelfinger explained that the SAIC needed to decide whether to continue CPERS's duties, which are no longer a statutory requirement. The statute describing CPERS duties was provided in the staff paper outlining SAIC duties. (See Exhibit #1).

Rep. Brainard stated that he thought that what CPERS did was important and helpful and that SAIC should continue to perform those duties. Sen. Bartlett and Rep. Dell both also made similar comments in support of having SAIC continuing to perform the CPERS duties.

Motion: Rep. Brainard moved that SAIC continue to perform all of the duties previously outlined for CPERS in statute. **Vote:** The motion carried 7 to 0.

DISCUSSION OF RULE REVIEW FOR STATE FUND

Sen. Bartlett stated that technically SAIC had rule review responsibility for the State Fund because it is administratively attached to the Department of Administration. She asked if any SAIC members had an objection to asking the Business, Labor, and

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Agriculture Interim Committee to take over rule review responsibility for the State Fund.

Motion: Rep. Williams moved that the SAIC refer rule review for the State Fund to the BLA. **Vote:** The motion carried 7 to 0.

Mr. MacMaster examined SB 11 and explained that the bill states that an "interim committee or the environmental quality council may refer an issue to another committee that the referring committee determines to be more appropriate for the consideration of the issue....If the committee that is referred the issue declines to accept the issue, the original committee retains jurisdiction." Mr. MacMaster suggested that letter from SAIC to the BLA refer all State Fund issues, which would include rule review. There were no objections.

DISCUSSION OF MEETING CALENDAR

Ms. Heffelfinger presented a proposed meeting calendar and reviewed information provided in the proposal (Exhibit 9).

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Rep. Dell asked about staff work load and how the fact the SAIC voted to continue to perform CPERS's duties would affect the meeting schedule.

Ms. Heffelfinger said that SAIC could hold hearings on retirement plan proposals during its August meeting and take action (i.e., make a recommendation on whether the proposal should be passed, amended, or not passed) during its final meeting in September 2000. She noted that in the past CPERS had held meetings into October and November, but that this made it difficult for staff to complete the CPERS reports in time for the session. The Legislative Council's policy is for interim committees to finish their work by September 15 because staff support must shift to legislative session preparations. Ms. Heffelfinger explained that if SAIC adopted her proposed meeting calendar, they would have to take action on proposals prior to having the actuarial valuations from the retirement boards. Those valuations are not available until late in October.

Sen. Bartlett asked if any interested persons had a comment or question about the proposed meeting schedule, or anything they wanted to say to the SAIC.

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Mr. Jim Jacobson, Administrator for the Veterans' Affairs Division, Department of Administration, introduced himself. He stated that he has sent a letter out asking various veterans groups for feedback on issues they think may be important to bring to SAIC. He expected to have comments back by August 1 and would be coordinating these with Ms. Heffelfinger during the preparation of the study plan proposal.

Mr. Marvin Eicholtz, Administrator, Procurement and Printing Division, introduced himself and stated that he looked forward to working with SAIC in its study of the state's contracting laws under SJR 9.

Ms. Heffelfinger stated that Mr. Mike Hanshew, Administrator, Senior and Long-term Care Division, DPHHS, which is responsible for the state's veterans' nursing homes was unable to attend the meeting, but that he or a designee would be attending future SAIC meetings.

Mr. Jenkins stated that he was concerned about SAIC requiring proposals and action on proposals so early. He explained it would push out other timeliness the Board has to prepare and present proposals to SAIC. And, if they didn't get the SAIC's review

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and action, that would make things more difficult for the Board's legislation during the session.

Mr. Dave Senn, Executive Director of the Teachers' Retirement System, stated that he, too, was concerned about SAIC action so early. He suggested SAIC could consider a different report format where SAIC would not actually recommend a pass or do not pass on the proposals. He asked if SAIC could meet during the session. Sen. Bartlett explained that SAIC was strictly an interim committee. Mr. MacMaster checked SB 11 and confirmed Sen. Bartlett's statement.

Ms. Heffelfinger stated that perhaps she could work out a creative way of addressing the concerns raised and that she would provide a further assessment at SAIC's next meeting when SAIC considered a more detailed study plan.

Sen. Bartlett asked if any of the meeting dates listed in the staff's proposed meeting calendar were out of the question or in conflict with anyone's schedule. There were no conflicts.

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Motion: Sen. Hargrove moved that the SAIC adopt the proposed meeting schedule.

Vote: The motion carried 7 to 0.

ELECTION OF OFFICERS

Sen. Bartlett opened nominations for chairperson. Sen. Hargrove nominated Rep. Brainard. Rep. Brainard nominated Sen. Bartlett. Sen. Bartlett stated that she would not accept nomination because she had previously chaired CPERS and was also term limited and would not be returning. There were no further nominations. Representative Brainard was elected chairman by a unanimous voice vote.

Sen. Bartlett opened nominations for vice-chairperson and explained that traditionally, the vice-chairman would be from the opposite party in the opposite house from the chairman. Rep. Brainard stated that SAIC was a bi-partisan committee and that he thought the tradition for vice-chairman should be continued. Sen. Hargrove agreed. Rep. Dell nominated Sen. Bartlett for vice-chairwoman. There were no further nominations. Senator Bartlett was elected vice-chairman by a unanimous voice vote.

DISCUSSION OF NEXT MEETING

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Ms. Heffelfinger stated that the SAIC's next meeting would be September 9-10, 1999. She said SAIC members would be receiving materials in the mail before that meeting and asked if SAIC members would like to also have staff maintain a complete notebook for each SAIC member that would be kept by staff. After some discussion, the consensus was that SAIC members would have accordion file folders and that extra copies of materials would be kept on hand for meetings.

There being no further business, the meeting adjourned at about 5:50 p.m.

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